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CLERKS OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 OCT 29 P 1:21

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA

v.

DAVID C. ARNDT

Criminal No. 04-CR-10166-RGS

**DEFENDANT, DAVID C. ARNDT'S MOTION TO EXTEND THE TIME
TO DETERMINE WHETHER HE WILL
ASSERT A DEFENSE OF INSANITY**

The Defendant David Arndt ("Defendant") moves pursuant to Federal Rule of Criminal Procedure 12.2, that the time to file a notice of his intention to assert a defense of insanity be extended until February 15, 2005, because he has had insufficient time to determine, in good faith, whether he will utilize such a defense.

The Defendant asserts as justification for this request the following:

1. His proposed expert has not had time to do the evaluation;
2. The records required for the expert to be reviewed have not yet been obtained; and
3. The work necessary to completely investigate this defense legally, factually and medically has not yet been completed, due in large part to the Defendant's incarceration.

WHEREFORE, the Defendant moves that the Court allow the Defendant this additional

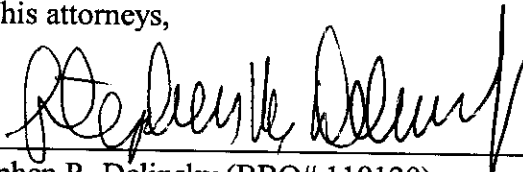
time until February 15, 2005 to determine whether he will assert the defense of insanity.

The government has assented to this motion.

Respectfully submitted,

DAVID C. ARNDT,

By his attorneys,



Stephen R. Delinsky (BBO# 119120)

Andrew R. McConville (BBO# 632804)

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Dated: October 27, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was
served upon the attorney(s) of record for each party by mail
(hand) on Oct. 29, 2004

